ARKANSAS STATE BOARD OF PHARMACY

NEW
ACT 256

TO CLASSIFY CERTAIN PRECURSOR INGREDIENTS UTILIZED TO MANUFACTURE METHAMPHETAMINE AS SCHEDULE V CONTROLLED SUBSTANCES

REVIEW OF NEW LAW**

Act 256, formerly known as Senate Bill 109, was signed into law February 22, 2005, and shall become effective March 24, 2005, making certain ephedrine combination products, pseudoephedrine (PSE), and phenylpropanolamine containing products Schedule V Controlled Substances. NOTE: All single entity ephedrine products became Schedule V in October 1995.

Schedule V classification shall NOT apply to any ephedrine combination, or pseudoephedrine, products that are liquids, liquid capsules, or liquid gel capsule form if the drug is dispensed, sold, transferred, or otherwise furnished in a single transaction limited to not more than three (3) packages, with any single package containing not more than ninety-six (96) liquid capsules or liquid gel capsules or not more than three (3) grams of ephedrine or pseudoephedrine base.

1. Sales of scheduled products, pursuant to Act 256, shall only be made by a Pharmacist or Pharmacy Technician.
   a. Unless pursuant to a valid prescription, sale of products in a single transaction shall be limited to no more than three (3) packages of one (1) or more products, with any single package containing not more than ninety-six (96) pills, tablets, capsules, or other individual units or more than three (3) grams of ephedrine, pseudoephedrine, or phenylpropanolamine or a combination of any of these substances, whichever is smaller.
   b. Purchaser must produce a current and valid proof of identity or proof of age issued by a governmental agency that contains a description of the person or a photograph of the person and gives the person's date of birth.
   c. Purchaser must sign a written or electronic log or receipt that documents the date of transaction, name of the person, and quantity of pseudoephedrine or ephedrine purchased, received or otherwise acquired. Electronic Point of Sale systems that require electronic signatures for each transaction at the time of sale, with an immediately reproducible log, are acceptable as long as they contain all required information.

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d. Person must be 18 years of age to purchase the scheduled products, unless dispensed pursuant to a valid prescription.

2. It shall be unlawful for any person, other than a person or entity described in § 5-64-1101 (a) (1) – (4), to knowingly purchase, acquire or otherwise receive more than five (5) grams of ephedrine or nine (9) grams of pseudoephedrine or phenylpropanolamine within any thirty-day period, unless pursuant to a valid prescription.

3. The Schedule V classification shall not apply to products dispensed pursuant to a valid prescription, and these prescriptions are not restricted to five (5) refills within a six (6) month period, unless the products contain other controlled substance ingredients.

4. Arkansas Code § 5-64-1006 (a) has been amended adding pharmacies to the list of entities that are required to report suspicious orders of ephedrine, pseudoephedrine, and phenylpropanolamine containing products. A further explanation of suspicious orders can been seen on the State Board of Pharmacy website under Arkansas Code § 5-64-1006 at: *http://www.arkansas.gov/asbp/pdf/stat_uniform_controlled_substances_act_2004.pdf* and under Board Regulation 08-02-0008 at: *http://www.arkansas.gov/asbp/pdf/lawbook_04/regulation_8_jul04.pdf*

RECORDING THE SALE OF SCHEDULED PRODUCTS, OTHER THAN PURSUANT TO A VALID PRESCRIPTION

1. Purchaser must show a valid picture I.D. with date of birth.
2. Purchaser must be 18 years of age.
3. Purchaser must sign a written or electronic log or receipt, showing the name of person, date of the transaction, and total quantity of PSE or ephedrine purchased.

Note: These logs must be kept by the pharmacy for a period of 2 years from the last date of entry, Board Regulation 07-00-0005, and 21 CFR § 1304.04.

THE DIRECTOR OF THE DEPARTMENT OF HEALTH MAY RESCHEDULE A PRODUCT THAT HAS BEEN EXEMPTED IF IT IS DETERMINED THAT THE CONVERSION OF THE ACTIVE INGREDIENT IN THE PRODUCT INTO METHAMPHETAMINE OR ITS SALTS OR PRECURSORS IS FEASIBLE. THE DIRECTOR OF THE DEPARTMENT OF HEALTH MAY ALSO "EXEMPT" PRODUCTS BY RULE UNDER CERTAIN CONDITIONS.

**This document is only a summary of parts of Act 256, you should study the entire act which can be viewed at: *http://www.arkleg.state.ar.us/ftproot/acts/2005/public/act256.pdf*

If you have any further questions about this law, please contact the Board office,
Sincerely,

John Clay Kirtley, Pharm.D.
Assistant Director

P.S. Please refer to the Arkansas State Board of Pharmacy website, *www.arkansas.gov/asbp* for future information regarding ACT 256 under the heading Announcements.